

1 Clint Reed
TX Bar No 24084674
2 JOHNSON LAW GROUP
2925 Richmond Ave., Ste. 1700
3 Houston, Texas 77098
Telephone: (713) 626-9336
4 Facsimile: (713) 583-9460
IVC@JohnsonLawGroup.com

5 *Attorney for Plaintiffs*

6 IN THE UNITED STATE DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8)	CASE NO. MD-15-02641-PHX-DGC
9)	
10	IN RE BARD IVC FILTERS)	AMENDED MASTER SHORT FORM COMPLAINT
	PRODUCTS LIABILITY LITIGATION)	FOR DAMAGES FOR INDIVIDUAL CLAIMS
11)	(FIRST AMENDED)

12
13 Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the
14 Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

15 1. Plaintiff/Deceased Party:

16 Stephen Nitzsche

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

18 ~~NA~~ **Cindy Nitzsche**

19 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

20 N/A

21 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of
22 implant:

23 Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Texas

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Southern District of Texas

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

✓ Denali® Vena Cava Filter

☐ Other:

11. Date of Implantation as to each product:

04/17/2014

12. Counts in the Master Complaint brought by Plaintiff(s):

✓ Count I: Strict Products Liability – Manufacturing Defect

✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)

✓ Count III: Strict Products Liability – Design Defect

✓ Count IV: Negligence – Design

✓ Count V: Negligence – Manufacture

✓ Count VI: Negligence – Failure to Recall/Retrofit

✓ Count VII: Negligence – Failure to Warn

✓ Count VIII: Negligent Misrepresentation

✓ Count IX: Negligence Per Se

✓ Count X: Breach of Express Warranty

✓ Count XI: Breach of Implied Warranty

✓ Count XII: Fraudulent Misrepresentation

✓ Count XIV: Violations of Applicable Texas Law Prohibiting Consumer Fraud
and Unfair and Deceptive Trade Practices

✓ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

✓ Punitive Damages

□ Other(s): _____ (please state the facts Supporting this
count in the space immediately below)

Respectfully submitted this 11th day of July,

By: /s/ Clint Reed
Clint R. Reed
TX Bar No 24084674
JOHNSON LAW GROUP
2925 Richmond Ave., Ste. 1700
Houston, Texas 77098
Telephone: (713) 626-9336
Facsimile: (713) 583-9460
IVC@JohnsonLawGroup.com

Attorney for Plaintiffs

I hereby certify that on this 11th day of July, I electronically transmitted the attached
document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice
of Electronic Filing.

By: /s/ Clint Reed